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7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT COURT OF NEVADA**

9 KYLE P. FRANCO, ) CASE NO.:  
10 Plaintiff, ) 2:17-cv-01088-JAD-VCF  
11 vs. )  
12 )  
13 HCA INC., a Domestic Limited Liability Company, ) **STIPULATION OF**  
14 d/b/a SUNRISE HOSPITAL AND MEDICAL ) **DISMISSAL**  
15 CENTER; DOES I through X, inclusive; ROE ) **WITHOUT PREJUDICE OF**  
16 CORPORATIONS I through X, inclusive, ) **DEFENDANT HCA INC.**  
Defendants. )  
17

18 Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), LR II 7-1, and LR IA  
19 6-2 Plaintiff Kyle P. Franco (“Franco” or “Plaintiff”) and Defendant HCA Inc. (“HCA”  
20 or “Defendant”) (collectively, the “Parties”), by and through their undersigned counsel,  
21 agree and stipulate to dismiss without prejudice Defendant HCA Inc. from this action, as  
22 set forth below.

23 HCA Inc. represents that it does not do business as Sunrise Hospital and Medical  
24 Center, and that HCA Inc. never employed Plaintiff, and is therefore not an appropriate  
25 party to this action, but that Sunrise Hospital and Medical Center, LLC did employ  
26 Plaintiff and is the proper party to this action. Accordingly, Plaintiff has filed an

Amended Complaint against Sunrise Hospital and Medical Center, LLC (ECF No. 18), to correct the caption of this case and substitute Sunrise Hospital and Medical Center, LLC as Defendant in the stead of HCA Inc., pursuant to FRCP 15(c)(1)(C).

NOW THEREFORE, the Parties stipulate and agree that, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), all causes of action against HCA Inc. are hereby dismissed WITHOUT PREJUDICE, with each party to bear its own respective attorneys' fees and costs. The undersigned counsel for Defendant accepts service of process of the Amended Complaint against Sunrise Hospital and Medical Center LLC as of the date of stipulation and will file a responsive pleading to the Amended Complaint pursuant to Fed. R. Civ. P. 15(a)(3).

Respectfully submitted this 1st day of September 2017.

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IT IS SO ORDERED

  
UNITED STATES DISTRICT JUDGE  
Dated: September 5, 2017.